

as they may think necessary ; provided that the said Booms be so constructed as to admit the passage of Rafts and Boats, and preserve the navigation of the River ; but no person shall be allowed at any time to encumber the said Boom either with Rafts of Timber, Logs, or other Lumber, nor be allowed a passage through the same with such Rafts, when the opening of the Boom for that purpose would endanger the safety of any Timber, Logs or other Lumber contained therein.

III. And be it enacted, That nothing in this Act shall authorize or be construed to authorize the said Corporation to enter upon the lands or use the private property of any person or persons, for the purpose of erecting or securing the said Boom, without their consent in writing first had and obtained for that purpose.

Act not to authorize the Corporation to enter upon private lands.

IV. And be it enacted, That it shall be the duty of the Corporation to cause the passage ways or open spaces in said Boom to be carefully guarded, so that no Lumber may be permitted to escape ; and if the owner or owners of any Timber, Logs, or other Lumber, do not wish the said Corporation to raft his or their Timber, Logs, or other Lumber, that it shall be the duty of the owner or owners thereof to raft and take said Timber, Logs or other Lumber out of said Boom ; but in case the owner or owners of said Timber, Logs or other Lumber do not remove the said Timber, Logs or other Lumber from said Boom, that after said Timber, Logs or other Lumber shall have remained in said Boom for two days, it shall be lawful for the said Corporation to raft said Timber, Logs or other Lumber safe and securely in joints, loaded suitably for the navigation of the River Saint John, for Pine Timber with at least two good and sufficient boom poles and hardwood pins, said joints to be of the size as are commonly made, and to secure the same below the Boom twenty four hours, and if the owner or owners at the expiration of the time aforesaid have not removed or taken charge of the same, by putting his or their ropes thereon, the Corporation may remove to or secure the same in some convenient place, and the owner or owners shall pay such expenses as may be incurred in the removal and securing the same ; and should any person suffer loss in consequence of the neglect or carelessness of the said Corporation, or their agent or agents, the said Corporation shall be accountable for such loss ; and the said Corporation shall cause the Timber, Logs and other Lumber to be rafted without any unnecessary delay as soon after it comes into the Boom as possible, the said Corporation not being bound to drive any Timber, Logs or other Lumber into the Boom that may be aground above the same.

Open spaces in the Boom to be guarded.

Mode of proceeding with Lumber not intended to be rafted.

Liability for losses.

No obligation to drive Lumber that may be aground above the Boom.

V. And be it enacted, That if any person or persons shall wilfully injure or destroy the said Boom, or any of the Piers thereof, such person or persons so offending, shall, upon conviction thereof before any two of Her Majesty's Justices of the Peace for the County of York, forfeit and pay a sum not exceeding ten pounds, with costs of prosecution, to be levied by warrant of distress and sale of the offender's goods and chattels, rendering the overplus, (if any) to the offender or offenders ; and for want of sufficient goods and chattels whereon to levy, it shall and may be lawful for said Justices to issue their warrant to commit such offender or offenders to the Common Gaol of the County, there to remain without bail or mainprize for such period as may be specified in such warrant, not exceeding one day for every two shillings of such penalty.

Penalty for wilful injuries to the Boom or Piers.

VI. And be it enacted, That there shall be allowed to the Corporation a toll or boomage upon all Square Timber secured in said Boom, the sum of two pence per ton, and for rafting and securing the same as aforesaid the sum of ten pence per ton ; upon all Saw Logs and other Lumber secured in said Boom, the sum of four pence per thousand superficial feet for boomage, and the sum of two shillings and six pence per thousand superficial feet for rafting and securing the same as aforesaid ; and that the said Corporation shall have a lien on all Timber and other Lumber thus boomed and rafted, for the payment of all such toll or boomage, and other expenses ; such person or persons owning Timber or other Lumber to furnish to the Corporation or their agent a proper and correct description of his or their several marks before the same comes into the Boom ; the Corporation shall not be bound to secure or take charge of any Timber or Lumber until the marks are so furnished ; and if no owner appears to claim any Timber or Lumber so coming into the Boom, it may, after twenty days notice, be sold ; and if at any time within two years the owner should appear and prove to the satisfaction of the Inferior Court of Common Pleas for the County of York, he may receive the nett proceeds, after deducting toll and other expenses, but if not proved and claimed within two years, the proceeds to be paid to the Treasurer of the County of York, for the use and purposes of the said County ; all the Timber and other Lumber coming into the said Boom to be measured by a sworn Surveyor legally appointed, the expenses to be borne alike by both parties.

Boomage allowed and lien to secure the same.

Marks of Timber to be furnished.

Disposition of unclaimed Timber.